

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

LIGHT TRANSFORMATION
TECHNOLOGIES LLC

v.

LIGHTING SCIENCE GROUP
CORP., *et al.*

NO. 2:12-CV-826-MHS-RSP (LEAD CASE)

CONSOLIDATED

LIGHT TRANSFORMATION
TECHNOLOGIES LLC

v.

GENERAL ELECTRIC COMPANY *et al.*

NO. 2-12-cv-827-MHS-RSP

STIPULATED FINAL JUDGMENT OF NONINFRINGEMENT & INVALIDITY

Plaintiff Light Transformation Technologies LLC and remaining defendants General Electric Company; GE Lighting Solutions, LLC; GE Lighting, Inc.; GE Lighting, LLC; GE Lighting Systems, LLC; and GE Lighting Systems, Inc.; Lighting Science Group Corporation; and Home Depot, Inc. hereby stipulate and agree to entry of the following Stipulated Judgment of Noninfringement:

1. In this patent action, Plaintiff alleges that the remaining defendants infringe claims 1, 3, 4, 6 and 7 of U.S. Patent No. 8,220,959 (“the ‘959 patent”). Plaintiff previously also alleged infringement of two other patents, U.S. Patent Nos. 6,543,911 and 6,951,418. These other two patents have previously been dismissed from the case. *See* Dkt. Nos. 110, 145.

2. On July 11, 2014, Magistrate Judge Payne issued his Claim Construction

Memorandum Opinion and Order (Dkt. No. 135) construing disputed claim terms.

3. The parties filed various written objections pursuant to Rule 72. Those objections were overruled by Judge Schneider on August 28, 2014. Dkt. No. 160, 161.

4. The Court construed the claim term “axis of light direction” as indefinite and thereby found all asserted claims of the ‘959 patent to be invalid. The parties thus request that this Court enter judgment of invalidity of the asserted claims of the ‘959 patent, namely claims 1, 3, 4, 6 and 7.

5. In addition, Plaintiff agrees and stipulates that it cannot prevail on the issue of infringement by reason of the court’s construction of claim term “axis of light direction” as indefinite. Defendants therefore request, and the Plaintiff does not oppose, that the Court enter Judgment of Noninfringement finding that the Defendants have not infringed and do not infringe, directly and/or indirectly, the ‘959 patent.

6. It is provided, however, that if the Court’s indefiniteness ruling is reversed or modified on appeal such that the matter is remanded for further consideration, Plaintiff and Defendants reserve all of their existing claims, counterclaims, arguments, and defenses.

7. Accordingly, the Court hereby enters this Stipulated Judgment of Invalidity of claims 1, 3, 4, 6 and 7 of the ‘959 patent and Noninfringement of all asserted claims of the ‘959 patent. Defendants’ counterclaims of patent invalidity and noninfringement, as well as all other counterclaims and defenses, are hereby dismissed without prejudice.

8. This Stipulated Judgment does not affect the Parties' right to appeal the Court's claim constructions and any prior or future orders issued by the Court.

It is SO ORDERED.

SIGNED this 24th day of September, 2014.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE